IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 7 of 2007
in
Arbitration Appeal No.1 of 2007
in
Civil Suit No. of 2001

Union of India .. Applicant

vs.

M/s M.V. Patel & Co. ..Respondents

Mr.D.A.Nalawade with Mrs.Swati Deshpande for applicant.
Mr.Anil R.Dhuri for respondents.

CORAM: S.C.DHARMADHIKARI J.
20th April, 2007

P.C.

1. This is a civil application for stay of the order dated 30th April, 2005 which rejects the challenge to the award dated 8th January, 2001.

2. I have heard Shri Nalawade appearing for the applicant/original appellant and the learned Counsel for the respondents who are original claimants.

3. I have perused the award so also the order of the Court below. In my view, at this prima facie stage, when the respondents have succeeded through out, it would not be fair, just and proper to grant unconditional stay of the impugned order and award which directs payment of

various sums to the respondents contractors.

4. Without prejudice to the rights and contentions of both sides, in my view, interest of justice would be subserved if the implementation and execution of the impugned order is stayed on the condition that the applicant Union of India deposits in the Trial Court the principal amount of Rs.5,84,727/- along with interest on the same from the date of award till the date of deposit. If the said amount is deposited within a period of 10 weeks from today there shall be a stay in terms of prayer clause (a) of this Civil Application. Liberty is reserved to the respondents to withdraw the said sum after furnishing security to the satisfaction of the Trial Court.

5. Civil Application is granted in the above terms. However, there shall be no order as to costs. At the request of Shri Nalavade, the hearing of the appeal is expedited.

(S.C.DHARMADHIKARI J.)